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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,838	09/12/2001	D. Keith Jones	8S08.1-162	8157

23506 7590 12/22/2004
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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,838

Applicant(s)

JONES, D. KEITH

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11,13-17 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11,13-17 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for a carabineer securing the sliding rope to the standing rope line.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Knots, Ascherin, or Krammerer. Wagner shows the claimed system with the exception of the multi-loop sliding rope coupler. Knots (page 7, Prusik hitches), Ascherin at 90, and Krammerer (background of the invention, with respect to claims 9, 14 and 16) all teach the use of Prusik hitches as a multi-loop sliding rope coupler. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to provide the system of Wagner to comprise a Prusik hitch, in lieu of his sliding rope coupler 1, as taught by Knots, Ascherin or Krammerer, to enable an inexpensive sliding rope coupler, or by the substituted use of one known functionally equivalent element for another.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner and Knots, Ascherin, or Krammerer, as applied to claim 9 above, and further in view of Van Patten. Van Patten shows a line with a clip 14 forming a loop for anchoring the line. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the rope line of Wagner with a clip to form a loop, as taught by Van Patten, for anchoring his line.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner and Knots, Ascherin, or Krammerer, as applied to claim 9 above, and further in view of Crawford. Crawford shows a multi-point harness. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wagner with a multi-point harness, as taught by Crawford to enhance distribution of the load of a user to the harness.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner and Knotts or Ascherin, Van Patten, as applied to claims 11 and 13 above, and further in view of Crawford as applied above.


Applicant's arguments filed 11.08.04 have been fully considered but they are not persuasive. Applicant argues that it would not be appropriate to modify the metal structure of Wagner with a rope knot. It is noted that the metal sliding rope coupler of Wagner is not being modified as argued, but replaced by the Prusik Hitch of Knotts, Ascherin or Krammerer. Applicant argues that his Prusik hitch is for arresting a fall, while the prior art is for climbing. The examiner disagrees because while the prior art Prusik hitch allows upward movement with respect to a standing rope line, upon a fall the Prusik hitch grabs the standing rope line to prevent downward movement with respect to the standing rope line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)



Alvin C. Chin-Shue
Examiner
Art Unit 3634

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